

JENNER & BLOCK LLP

Vincent E. Lazar

Angela M. Allen (admitted *pro hac vice*)

William A. Williams (admitted *pro hac vice*)

353 North Clark Street

Chicago, Illinois 60654

(312) 222-9350

Carl N. Wedoff

919 Third Avenue

New York, New York 10022

(212) 891-1600

Counsel for the Plaintiff

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FIRESTAR DIAMOND, INC., *et al.*

Debtors.

Chapter 11

No. 18-10509 (SHL)

(Jointly Administered)

RICHARD LEVIN, Liquidating Trustee of the
Liquidating Trust of FIRESTAR DIAMOND,
INC., FANTASY, INC., and OLD AJ, INC.
f/k/a A. JAFFE, INC.,

Plaintiff,

v.

AMI JAVERI *et al.*,

Defendants.

Adv. Proc. No. 20-1054 (SHL)

NOTICE OF HEARING

PLEASE TAKE NOTICE that a hearing on the motions to dismiss filed by Defendants Purvi Mehta (Adv. Dkt. 38), Central Park Real Estate, LLC (“**CPRE**”) and Central Park South 50 Properties, LLC (Adv. Dkt. 42), Ami Javeri (Adv. Dkt. 44), Nehal Modi

(Adv. Dkt. 47), and Neeshal Modi (Adv. Dkt. 56) (collectively, the “**Motions to Dismiss**”) is scheduled for January 27, 2022 at 11:00 a.m. EST.

The hearing will be conducted via Zoom®. Parties wishing to participate in the hearing must register their appearance utilizing the Electronic Appearance portal located on the Court’s website at: <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>.

Appearances must be entered no later than 4:00 p.m. EST on January 26, 2022. Additional information concerning how to participate in the hearing is available in the Court’s Zoom Video Hearing Guide, available at: <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

PLEASE TAKE FURTHER NOTICE that the parties have agreed to address the issues raised in the Motions to Dismiss in the following order:

1. **Personal Jurisdiction** (*relevant to Defendants Purvi Mehta and Neeshal Modi*). This topic encompasses Purvi Mehta’s and Neeshal Modi’s personal jurisdiction and service arguments.
2. **RICO Conspiracy** (*relevant to all Defendants*). This topic encompasses whether the Trustee enjoys standing to assert and has adequately pleaded the substantive elements of 18 U.S.C. § 1962(c)-(d) and of the statutes underlying the predicate acts of racketeering activity alleged in Counts 1 and 2 of the Complaint, including with respect to the existence of a direct and domestic injury.
3. ***In Pari Delicto & Wagoner Doctrine*** (*relevant to all Defendants*). This topic encompasses whether the RICO conspiracy claims alleged in Counts 1 and 2 of the Complaint are barred by the *in pari delicto* or *Wagoner* doctrines.
4. **Fraudulent Transfers** (*relevant to Defendants Purvi Mehta, Ami Javeri, and CPRE*). This topic encompasses whether the Trustee enjoys standing to assert and has adequately pleaded actual and constructive fraudulent transfer claims with respect to the Synergies-Mehta Transfer alleged in Counts 3 and 4, the CPRE Equity Transfer alleged in Counts 5 and 6, and the CPRE Mortgage Transfers alleged in Counts 7, 8, 9, and 10 of the Complaint, including with respect to whether the funds at issue

were property of the debtor. This topic also encompasses the waiver issue as to Ami Javeri raised by the Trustee.

5. **Statute of Limitations** (*relevant to all Defendants*). This topic encompasses the parties' respective statute of limitations and tolling arguments.

For each issue, oral argument shall proceed with the Defendants presenting their arguments on that issue, either individually or jointly, followed by a single global response from the Trustee on that issue and the opportunity for Defendants, either individually or jointly, presenting any reply to the Trustee's argument, before moving on to the next issue.

Dated: December 2, 2021
New York, New York

Respectfully submitted,

JENNER & BLOCK LLP

By: /s/ Vincent E. Lazar
Vincent E. Lazar
Angela M. Allen (admitted *pro hac vice*)
William A. Williams (admitted *pro hac vice*)
353 North Clark Street
Chicago, Illinois 60654
(312) 222-9350
vlazar@jenner.com
aallen@jenner.com
wwilliams@jenner.com

Carl N. Wedoff
919 Third Avenue
New York, New York 10022
(212) 891-1600
cwedoff@jenner.com

Counsel for the Plaintiff